

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

DEBBY MENDEZ,

Plaintiff,

V.

AMERICAN GENERAL LIFE
INSURANCE COMPANY,

Defendant.

: Civil Action No. 09-cv-01155 (WJM)
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NOTICE OF CROSS-APPEAL

Notice is hereby given that American General Life Insurance Company, defendant in the above-named case, hereby cross-appeals to the United States Court of Appeals for the Third Circuit from the District Court's Opinion and Order, dated and filed November 29, 2010, granting Defendant's Motion for Summary Judgment, only to the extent that that Opinion and Order not only denied Defendant's Motion for Summary Judgment with respect to defendant's counter-claim against plaintiff Debby Mendez for statutory and common law fraud, but also dismissed that counter-claim.

While the decision of the District Court in defendant's favor is correct, if the Court of Appeals reverses the present judgment in defendant's favor, defendant also

seeks reversal of the judgment regarding the fraud counter-claim.

Respectfully,

WILSON ELSEER MOSKOWITZ
EDELMAN & DICKER LLP
Attorneys for Defendant American General
Life Insurance Company

s/ Kevin C. Donovan
Kevin C. Donovan

Dated: December 29, 2010

CERTIFICATE OF SERVICE

I, Kevin C. Donovan, hereby certify that on December 29, 2010, I caused a true and correct copy of the following: **Notice of Appeal**, to be filed via CM/ECF system for the United States District Court for the District of New Jersey, thereby effectuating service upon all counsel of record.

Pursuant to 28 U.S.C. §1746 ("Unsworn Declarations Under Penalty of Perjury"), I certify under penalty of perjury that the foregoing statements made by me are true and correct.

Executed on December 29, 2010.

s/ Kevin C. Donovan

Kevin C. Donovan